

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

GLENN ET AL

Serial No. 09/337,746

Filed: June 22, 1999

For: TRANSCUTANEOUS IMMUNIZATION
WITHOUT HETEROLOGOUS ADJUVANT



Group Art Unit: 1644

Examiner: Ewoldt

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RESPONSE

Hon. Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action dated August 10, 2001, the applicants elect the Group I embodiment, i.e. the method of immunizing with a bacterial antigen. However, reconsideration of the restriction requirement is requested, at least with respect to Groups I-IV, as it is believed that antigens from different pathogens, e.g. bacteria, fungus, virus and parasites should be examined together as different species of a single inventive concept. Reconsideration of the restriction requirement is, therefore, requested to the extent indicated above.

With regard to the requirements for election of species, the applicants elect E. coli heat-labile enterotoxin (LT) which is an ADP-ribosylating exotoxin, for species (A); and a molecular weight greater than 1000 D for species (B). As for species (C), this would be the same as (A).

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Regarding ¶ 10 of the action, clarification is respectfully requested. The Examiner refers to an IDS form PTO-1449 received December 29, 1999. According to the applicants' records, PTO-1449s were filed on January 6; February 24; and May 24, 2000 with copies of all the cited references. A substitute IDS was also filed on June 8, 2001 combining the earlier PTO-1449s. It is believed that copies of all of the thus listed references have been submitted on the earlier dates referenced above. If not, the Examiner is requested to advise.

A new declaration is being filed herewith. The declaration adds Elizabeth Arwine as an attorney of record. Entry thereof is requested.

A favorable action on the merits is requested.

Respectfully submitted,

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